

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: NEWSTARCOM HOLDINGS,	)	
INC., <i>et al.</i>	)	
Debtors.	)	Civil Action No. 1:17-cv-00309(MN)
	)	
<hr style="width: 35%; margin-left: 0;"/>	)	
GEORGE L. MILLER, as Chapter 7	)	
Trustee of the Estates of NewStarcom	)	Bankruptcy Case No. 08-10108 (CSS)
Holdings, Inc., <i>et al.</i> ,	)	ADV. No. 10-50063
	)	BAP No. 17-00010
Appellant,	)	
	)	
v.	)	
	)	
MATCO ELECTRIC CORP., <i>et al.</i> ,	)	
	)	
Appellees.	)	
	)	
	)	

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**NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

George L. Miller, Chapter 7 Trustee (the “Trustee”) of the bankruptcy estates of NewStarcom Holdings, Inc. (“NHI”); NSC Holdings, Inc. (“NSC”); Constar International, Inc. (“Constar”) and Port City Electric, Inc. (“Port City”) (collectively, “NewStarcom” or the “Debtors”), Appellant in the above-captioned civil action and Plaintiff in the underlying adversary proceeding, by his undersigned counsel, hereby appeals to the United States Court of Appeals for the Third Circuit from the final Order entered by Judge Maryellen Noreika of the United States District Court for the District of Delaware entered on September 6, 2019 (the “Order,” D.I. 32).<sup>1</sup> The Order affirmed the following orders of the United States Bankruptcy Court for the District of Delaware:

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<sup>1</sup> The Order and accompanying Memorandum Opinion (D.I. 31) are attached hereto as Exhibit A.

1. The Bankruptcy Court's Order of July 5, 2012 (Adv. D.I. 71)<sup>2</sup> that granted in part the Motion to Dismiss filed by Defendants Matco Electric Corp. f/k/a/ Matco Associates, Inc., Ronald Barber,<sup>3</sup> Mark Freije and Kenneth Elliot (collectively, the "Matco Defendants"), and dismissed the Trustee's Fraudulent Transfer claims (Counts 4, 5, 6 and 7 of the Amended Complaint) against the Matco Defendants with prejudice;
2. The Bankruptcy Court's Opinion and Order dated March 8, 2016 (Adv. D.I. 208),<sup>4</sup> granting the Matco Defendants' Motion for Summary Judgment and denying the Trustee's Motion for Reconsideration of the Bankruptcy Court's dismissal of the Fraudulent Transfer claims.

The parties to the Order appealed from and the names and addresses of their respective attorneys are as follows:

**Party:**

**George L. Miller,  
Chapter 7 Trustee (Appellant)**

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<sup>2</sup> The Bankruptcy Court's July 5, 2012 Dismissal Order is attached as Exhibit B.

<sup>3</sup> Ronald Barber is now deceased. On October 23, 2017, this Court entered an Order substituting Anne M. Barber as a party to the appeal. (D.I. 15).

<sup>4</sup> The Bankruptcy Court's March 8, 2016 Opinion and Order are attached as Exhibit C.

**Matco Electric Corp. f/k/a Matco Associates, Inc., Anne M. Barber, Mark Freije, and Kenneth Elliot, (Appellees)**

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Dated: September 11, 2019

Respectfully submitted,

/s/ William J. Burnett

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